

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 585 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE C.K.BUCH

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge? : NO

MAHESHKUMAR TOKARSI THAKKAR

Versus

DEPUTY CONSERVATOR OF FOREST

Appearance:

MR DR BHATT for Petitioner

MR DN PATEL, APP for Respondent No. 1

CORAM : MR.JUSTICE C.K.BUCH

Date of decision: 15/12/1999

ORAL JUDGEMENT

Heard learned counsel Mr. Bhatt for the
petitioner and learned APP Mr.D.N.Patel, for the
Respondents.

Rule. Learned APP Mr. D.N.Patel appears and
waives service of Rule for the Respondents.

Parties do not press for reasoned order. It is
submitted by learned counsel Mr. Bhatt appearing for the
petitioner that the vehicle is detained by respondent

nos. 1 & 2 by way of an interim arrangement pending the hearing and final disposal of the forest offence registered against the petitioner and other persons. The petitioner is ready and willing to give security by way of executing a Bond of the equal amount of the price of the truck in question. According to the learned counsel, truck in question can be valued at Rs. 5 Lac looking to the present condition.

Under the circumstances, it is ordered that the vehicle in question i.e. truck bearing No. GJ-9-T-6935 be handed over to the present petitioner on furnishing surety of Rs. 5 Lacs (Rs. five Lacs only) and personal bond of the like amount by way of interim arrangement on the following terms and conditions:-

- (1) The petitioner shall not sell or otherwise transfer this vehicle to any other third party unless specifically permitted by the competent court.
- (2) The petitioner shall not make any change in the colour and body of the truck in question so that the witnesses, if required, can identify the vehicle at any stage of the trial.
- (3) In the event of any accident, if the truck in question requires repairs, then in that event, before undertaking such repairs, the petitioner shall inform the concerned court and after obtaining the necessary prior permission, the petitioner shall undertake the repairing work.
- (4) The truck in question may be produced before the Competent Court concerned as and when asked. It is clarified that this order is subject to the final outcome of the trial and orders that may be passed pertaining to the muddamal by the competent court at the conclusion of the trial.
- (5) The petitioner shall not use or permit to use the truck in question in identical type of cases.

The order to be carried out by the trial Court concerned. Yadi to be sent to the trial court as well as to respondent nos. 1 & 2.

Rule is made absolute to the aforesaid extent.
Direct Service is permitted.

15.12.1999 [C.K. BUCH, J]

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